

REMARKS

Claims 1-18 are pending in the present application.

Claims 1-18 were rejected.

Claims 1-18 have been cancelled.

Claims 19-38 have been added to the application.

Reconsideration of Claims 19-38 is respectfully requested.

In Sections 1 and 2 of the June 28, 2004 Office Action, the Examiner rejected Claim 6 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claims the subject matter which the Applicants regard as the invention. The Examiner asserted that there was insufficient antecedent basis for the term “synchronizing signal” in Claim 6. Because of numerous punctuation errors, grammatical errors, and antecedent basis errors, the Applicants have cancelled Claims 1-18, including Claim 6.

In Sections 3 and 4 of the June 28, 2004 Office Action, the Examiner rejected Claims 1-5, 7-13, and 15-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,480,483 to *Yahata et al.* (hereafter, simply “*Yahata*”) in view of U.S. Patent No. 6,621,810 to *Leung* (hereafter, simply “*Leung*”) and in further view of U.S. Patent No. 6,194,970 to *Nielsen et al.* (hereafter, simply “*Nielsen*”). In Section 5 of the June 28, 2004 Office Action, the Examiner rejected Claims 6 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Yahata* in view of *Leung* and *Nielsen* and further in view of U.S. Patent No. 6,728,234 to *Hoffman et al.* (hereafter, simply “*Hoffman*”).

The Applicants respectfully assert that the cancellation of Claims 1-18 have rendered moot the Examiner's rejections of Claim 1-18 under 35 U.S.C. §103(a). Nonetheless, the Applicants would like to distinguish new Claims 19-38 over the cited prior art and direct the Examiner's attention to new Claim 19, which contains the novel and non-obvious limitations emphasized below:

19. For use in a wireless network comprising a plurality of base stations capable of communicating with a plurality of mobile stations in a coverage area of said wireless network, an apparatus for synchronizing a first one of said plurality of base stations comprising:

a gigabit Ethernet transceiver capable of receiving a gigabit Ethernet data stream from a gigabit Ethernet network that transfers data between said plurality of base stations; and

a clock recovery circuit capable of receiving said gigabit Ethernet data stream and generating therefrom a master clock signal, wherein said master clock signal is used to synchronize at least one of:

a radio frequency (RF) transmitter portion of said first base station capable of transmitting a forward channel signal to a first one of said plurality of mobile stations; and

a radio frequency (RF) receiver portion of said first base station capable of receiving a reverse channel from said first mobile station. [emphasis added]

The Applicants respectfully submit that the above emphasized limitations are not disclosed, suggested or even hinted at in the *Yahata* reference, the *Leung* reference, the *Nielsen* reference, or the *Hoffman* reference, or in any combination of two or more of the *Yahata*, *Leung*, *Nielsen*, and *Hoffman* references.

Unlike the present invention, none of the cited references discloses the recovery of a master clock signal from a gigabit Ethernet data stream and using the recovered master clock signal to synchronize the transmitting of forward channel signals and the receiving of reverse channel signals by the RF transceiver of the base station. The *Yahata* reference discloses a base station (FIGURE 5)

that uses a conventional timing signal generating device (4) to generate a master clock signal from a GPS signal received from an external GPS source. The base station of the *Yahata* reference does not generate a master clock signal from an Ethernet gigabit data stream and does not synchronize the RF transceiver using such a master clock signal.

The shortcomings of the *Yahata* reference are not overcome by any one or more of the *Leung* reference, the *Nielsen* reference, and the *Hoffman* reference. The *Leung* reference does not disclose that the Ethernet connection is used to generate a master clock signal that synchronizes the transmitting of forward channel signals and the receiving of reverse channel signals by the RF transceiver of the base station. Neither does the *Nielsen* reference or the *Hoffman* reference.

In sum, Claim 19 recites unique and non-obvious limitations recited in Claim 19 that are not disclosed, suggested, or even hinted at in the *Yahata* reference, the *Leung* reference, the *Nielsen* reference, or the *Hoffman* reference, or in any combination of two or more of the *Yahata*, *Leung*, *Nielsen*, and *Hoffman* references. This being the case, Claim 19 is patentable over the cited references. Also, dependent Claims 20-25 depend from Claim 19 and recite all of the unique and non-obvious limitations recited in Claim 19. Thus, Claims 20-25 are patentable over the cited prior art.

Independent Claims 26 and 34 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 19. This being the case, Claims 26 and 34 are patentable over the cited references. Finally, dependent Claims 27-33, which depend from Claim 26, and Claims 35-38, which depend from Claim 34 recite all of the unique and non-obvious limitations recited in

Claims 26 and 34, respectively. Thus, Claims 27-33 and 35-38 are patentable over the *Yahata* reference, the *Leung* reference, the *Nielsen* reference, and the *Hoffman* reference, as well as any combination of two or more of the *Yahata*, *Leung*, *Nielsen*, and *Hoffman* references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 4 Oct 2004

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@davismunck.com*



John T. Mockler
Registration No. 39,775